

RESOLUTION NUMBER R- 299080

ADOPTED ON APR 13 2004

WHEREAS, Fairway Views, L.L.C., Applicant, and San Diego Land Surveying & Engineering, Surveyor, submitted an application to the City of San Diego for a tentative map (Tentative Parcel Map No. 8183) and the vacation of certain public easements located northerly of Nautlus Street, Southerly of Fairway Road, and Westerly of Via Val Verde, and described as a portion of Parcel B of Parcel Map No. 18638, in the La Jolla Community Plan, in the R-1-10 Zone; and

WHEREAS, on October 16, 2003, the Planning Commission of the City of San Diego considered Tentative Parcel Map No. 8183 and Public Easement Vacations No. 22071, and pursuant to Resolution No. 3421-PC voted to recommend approval of the map; and

WHEREAS, the matter was set for public hearing on January 20, 2004, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that this Council adopts the following findings with respect to Tentative Parcel Map No. 8183:

1. The map proposes the subdivision of a 2.7-acre site into three (3) parcels for residential development. This type of development is consistent with the General Plan and the adopted 1975 La Jolla Community Plan, which designate the area for residential use. The proposed map will retain the community's character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The design and proposed improvements for the map are consistent with the zoning/development regulations of the R1-10 Zone in that:

a. All lots have minimum frontage on a dedicated street which is open to and usable by vehicular traffic, as allowed under a Coastal Development Permit (CDP).

b. All lots meet the minimum dimension requirements of the R-1-10, as allowed under a CDP.

c. All lots are designed so that required improvements do not result in nonconforming lots in respect to building area, setbacks, side yard and rear yard regulations, as allowed under a CDP.

d. Development of the site is controlled by CDP Permit Nos. 8182, 11492, and 11493.

3. The design and proposed improvements for the subdivision are consistent with State Map Act Section 66473.1 regarding the design of the subdivision for future passive or natural heating or cooling opportunities.

4. The site is physically suitable for residential development. The harmony in scale, height, bulk, density, and coverage of development creates a compatible physical relationship to surrounding properties for which this area has been planned.

5. The site is physically suitable for the proposed density of development. This is consistent with the community plan, which provides for residential uses.

6. The design of the subdivision or the proposed improvements could cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. However, the project as revised now avoids or mitigates the potentially significant environmental effects based upon the findings of Mitigated Negative Declaration No.99-1357/PTS No. 3188, which is included herein by this reference.

7. The design of the subdivision and the type of improvements will not likely cause serious public health problems, in as much as needed public services and facilities are available/or required by condition of this map to provide for water and sewage facilities, as well as other related public services.

8. The design of the subdivision and the type of improvements are such that they will not conflict with any easements, acquired by the public at large, for access through or use of property within the proposed subdivision, as demonstrated by the City Engineer's request for public dedications and adequate improvement on the proposed subdivision map.

9. The City Council has reviewed the adopted Housing Element, the Progress Guide, and the General Plan of the City of San Diego, and hereby finds, pursuant to Section 66412.3 of the Government Code, that the housing needs of the region are being met since residential development has been planned for the area and public services programmed for installation, as determined by the City Engineer, in accordance with financing and environmental policies of the City Council.

10. The property requires that a building restricted easement, a water easement and a drainage easement be granted;

11. The property contains certain public easements granted to the City of San Diego which are no longer needed for the public purpose for which they are granted, and which must be vacated to implement the parcel map in accordance with San Diego Municipal Code Section 125.0430:

a. A water easement per Map 2024, recorded May 11, 1927, as file no.28891.

b. A water easement recorded, recorded May 13, 1946, in Book 2131, Page 62 and per said Map 2024.

c. An earth excavation or embankment, slope, and drain easement recorded April 11, 1973, File/Page No. 73-095231;

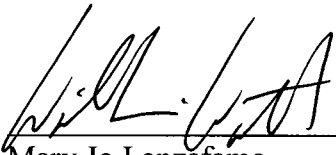
The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66445 (j), a portion of the water easements granted to the City of San Diego water easement per Map 2024, recorded May 11, 1927, as file no.28891 and per document recorded May 13, 1946, in Book 2131, Page 62, located within the project boundaries as shown in Vesting Tentative Parcel Map No. 8183, shall be vacated, contingent upon the recordation of the approved parcel map for the project.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66445 (j), a portion of the earth excavation or embankment, slope, and drain easement recorded April 11, 1973, File/Page No. 73-095231, located within the project boundaries as shown in Tentative Parcel Map No. 8183, shall be vacated, contingent upon the recordation of the approved parcel map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Tentative Parcel Map No. 8183 is granted to Fairway Views, L.L.C., Applicant, subject to the conditions attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By  _____
for Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
12/11/03
Or.Dept: DSD
R-2004-564
Reviewed by Vicky Gallagher

CITY COUNCIL CONDITIONS FOR TENTATIVE MAP NO.8183
FAIRWAY VIEWS PROJECT NO. 3188
ADOPTED BY RESOLUTION NO. R-_____ ON JANUARY 20, 2004

1. This tentative map will become effective on the date of approval by the City Council and expire three years thereafter.
2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the parcel map, unless otherwise noted.
3. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this tentative map, may protest the imposition within ninety days of the approval of this tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
4. The parcel map shall conform to the provisions of Coastal Development Permit Nos. 8182, 11492 and 11493.
5. The "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, shall be made a condition of map approval. Only those exceptions to the General Conditions which are shown on the tentative map and covered in these special conditions will be authorized.

All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. 769830.

6. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 [NAD 83].
7. "California Coordinate System" means the coordinate system as defined in Sections 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."
8. The parcel map shall:
 - a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (θ) or

R 299080

mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

- b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.
9. The approval of this tentative map by the City of San Diego does not authorize the Subdivider to violate any Federal, State, or City laws, ordinances, regulations, or policies, including, but not limited to, the Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.).
10. The Subdivider must provide a geologic reconnaissance report on the subject property to discover and address potential geological hazards. The report must be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports." All slopes shall be constructed in accordance with the provisions of San Diego Municipal Code.
11. Undergrounding of existing and proposed public utility systems and service facilities is required according to San Diego Municipal Code.
12. The Subdivider shall obtain a bonded grading permit for the grading proposed for this project. All grading shall conform to the requirements of the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
13. Prior to the issuance of any construction permit, the Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
14. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.
15. Prior to the issuance of any construction permit the Subdivider shall incorporate and show the type and location of all post-construction Best Management

Practices [BMPs] on the final construction drawings, consistent with the approved Water Quality Technical Report.

16. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08-DWQ and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CAS0108758), *Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity*. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99-08-DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08-DWQ.

17. A building restricted easement and a drainage easement shall be granted on the Parcel Map or by separate deed, satisfactory to the City Engineer, prior to the Parcel Map being recorded.
18. That pursuant to California Government Code section 66445 (j), a portion of the water easements granted to the City of San Diego water easement per Map 2024, recorded May 11, 1927, as file no.28891 and per document recorded May 13, 1946, in Book 2131, Page 62, located within the project boundaries as shown in Vesting Tentative Parcel Map No. 8183, shall be vacated, contingent upon the recordation of the approved parcel map for the project;
19. That pursuant to California Government Code section 66445 (j), a portion of the earth excavation or embankment, slope, and drain easement recorded April 11, 1973, File/Page No. 73-095231, located within the project boundaries as shown in Tentative Parcel Map No. 8183, shall be vacated, contingent upon the recordation of the approved parcel map for the project;

20. Prior to the recordation of the first final map, Subdivider shall provide a shared access agreement between lot 1 & 2, satisfactory to the City of San Diego.
21. The drainage system proposed for this development is subject to approval by the City Engineer.
22. Prior to the recordation of the first final map, Subdivider shall provide 55 feet of Irrevocable Offer of Dedication for the missing segment of Fairway Roadway and to allow pedestrian access, satisfactory to the City Engineer.
23. Prior to the recordation of the final map, Subdivider shall grant an open space easement over at least one acre of the site as shown conceptually in Exhibit A.
24. Geotechnical
 - a. The geotechnical consultant has addressed the conceptual development plans for Fairway View and determined that the proposed project is geotechnically feasible. However; the geotechnical consultant has indicated that, as a practical matter, the proposed parcels must be mass graded as a single unit to develop adequately stable parcels. In addition, shear pins will be necessary to provide adequate stability of the proposed remainder parcel. Therefore, the tentative parcel map can be recommended for approval if the following conditions are satisfied:
 - b. As a condition of approval of the Tentative Parcel Map, all geologic and geotechnical hazards or defects shall be corrected prior to recording the Parcel map. An as-graded geotechnical report will be required to document that all geologic and geotechnical hazards and defects were corrected. The as-built geotechnical report must conclude that each parcel has a factor-of-safety of 1.5 or greater with respect to gross and surficial slope stability. The scope of an as-graded geotechnical report is outlined in the City's "Technical Guidelines for Geotechnical Reports."
 - c. As a condition of approval of the Tentative Parcel Map, a settlement monitoring program shall be conducted at the conclusion of grading. The survey data must be analyzed by the geotechnical engineer to determine that future soil settlement will be within appropriate and tolerable limits prior to recording the Parcel map.
 - d. Prior to issuance of grading and/or improvement permits, a geotechnical consultant must demonstrate that the proposed storm drain will be adequately

stable. In addition, the geotechnical consultant must determine the amount of total and differential settlements impacting the storm drain and provide storm drain foundation recommendations. The project's civil engineer must provide documentation that the proposed storm drain is designed to tolerate the soil settlement and lateral loads determined by the project's geotechnical consultant.

- e. Any area of the overall site which will not have an adequate factor-of-safety with respect to slope stability or unacceptable potential differential settlement shall be designated as a building restricted easement that shall be granted on the parcel map. The building restricted easement shall be shown on the non-title sheet. The geotechnical consultants shall certify by signatures and seals (stamps) that the building restricted easement on the parcel map is in accordance with the geotechnical investigation approved for this project.

24. Wastewater

- a. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.
- b. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check.

25. Landscape

- a. Prior to the recordation of the parcel map, the Subdivider shall submit complete landscape construction documents for the required right-of-way and improvements, slope revegetation and hydroseeding of all disturbed land in accordance with the Landscape Technical Manual and to the satisfaction of the City Manager. The landscape construction documents shall be in substantial conformance with Exhibit 'A' Landscape Concept Plan, on file in the Office of Development Services. The applicant shall assure by permit and bond the installation of landscaping.

26. Water Review

- a. The Subdivider shall design and construct individual water services to each lot in a manner satisfactory to the Director of the Water Department,

and the City Engineer. Required improvements may include the design and construction of a public pressure regulating station and 8-inch water main extension within the Nautilus Street right-of-way.

- b. The Subdivider shall grant additional easement to widen existing water easements traversing the property and containing public water facilities to 25- feet-wide, and vacate the unused portion of existing water easement, in a manner satisfactory to the Director of the Water Department, and the City Engineer.
- c. The Subdivider shall install fire hydrants at locations satisfactory to the Fire Department, the Director of the Water Department, and the City Engineer.
- d. The Subdivider agrees to design and construct all proposed public water facilities in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto. Water facilities as shown on the approved tentative map shall be modified at final engineering to comply with standards.

FOR INFORMATION:

- * This development may be subject to the payment of a park fee in accordance with the San Diego Municipal Code, which specifies park fees applicable in the La Jolla Community Plan area.
- * This development may be subject to payment of a park fee prior to the filing of the final subdivision map in accordance with San Diego Municipal Code. This property is also subject to a building permit park fee in accordance with San Diego Municipal Code.
- * This development may be subject to impact fees, as established by the City Council, at the time of issuance of building permits.
- * This tentative map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

R 299080